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No. 00-1350

Supreme Court, U.S.
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IN THE

SUPREME COURT OF THE UNITED STATES

Meredith T. Raney, Jr.,

Petitioner,

v.

City of Melbourne, Florida,

Respondent.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Eleventh Circuit

REPLY TO BRIEF IN OPPOSITION

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NOTE TO THE UNITED STATES SUPREME COURT OF RELATED PETITIONS ALREADY FILED WITH THE COURT

Meredith T. Raney, Jr. v. Aware Woman Center For Choice, Inc., et al., Supreme Court Number 00-1268.

Jane Roe, II v. Aware Woman Center For Choice, Inc., et al. Supreme Court Number 00-1301.

Ray Sienkiewicz v. John McDougall, individually, et al., Supreme Court no. 00-1365

Ray Sienkiewicz v. Larry Hart, individually, et al., Supreme Court no. 00-1419

Ray Sienkiewicz v. John McDougall, individually, et al. Supreme Court no. 00-1498

ADDITIONAL APPEAL HAS BEEN TAKEN

Ray Sienkiewicz was notified on March 26, 2001 that the district court had dismissed with prejudice the F.A.C.E. action against Larry Hart, individually, et al., which is the case from which the petition for writ of certiorari was brought in Supreme Court number 00-1419. The appeal was docketed with the court of appeals on April 5, 2001 A petition for writ of certiorari to review the case has been submitted to the Supreme Court.

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REPLY TO THE CITY OF MELBOURNE

This case is a particularly critical cornerstone in the series of related F.A.C.E. cases which are now before this Court.

There are some questions here which may never be answered. Was a brief in opposition to the plaintiff's motion to strike the defenses handed through the back door to the district judge? If so, by whom? Is there a "blackmail database" maintained by the abortion industry? If so, how does one get a fair trial when suing an abortion facility? We may never know the answers.

There are some misconceptions and some mistakes by the City of Melbourne which should be corrected. That will be done here.

First, the critical importance of this case should be discussed. Sadly, *Raney v. City of Melbourne* is quite remarkable because it points out the ease with which police officers and those who control them can be convinced to betray their public trust.

Betrayal is a time-honored evil in our culture.

"Back stabber" is a common name for those who dishonor the trust residing in them. One of the more memorable instances of such betrayal is memorialized in Shakespeare's play, Julius Caesar. It is from Caesar's dying exclamation "And you, too, Brutus?" that we have derived the English word "brutal". Webster's Ninth New Collegiate Dictionary, page 183.

A focal part of the Bible is the betrayal by Judas for the proverbial thirty pieces of silver. The New American Bible,

Luke, Chapter 22, verses 47, 48. Once again, history has provided our language with another name for one who misuses one's trust: a "judas". Webster's Ninth New Collegiate Dictionary. Page 653.

The facts alleged in the present case buttressed by the video tapes of related F.A.C.E. violations and the affidavits of some police victims in *Raney v. Aware Woman Center For Choice, Inc.*, 224 F.3d 1266 (11th Cir.2000), detail the magnitude of the betrayal by the City of Melbourne of the trust placed in it.

The document which creates the duties of the Melbourne police department is the City Charter provided by the State of Florida through its legislature. The appropriate portion is attached to Meredith Raney's complaint:

> **Sec. 3.11. Police department.**
>
> The police department under a chief of police shall be responsible for the enforcement of federal and state laws and city ordinances

Nothing is said in the Charter about putting the discretion and authority of these police officers in any auction block or peddling police presence like a common commodity of commerce. "Rent-a-Cop" and "Buy a Badge" programs are nothing new to our society. But the use of those hired guns have had socially acceptable utilization. For instance, the "hired guns" have never been knowingly used to guard those selling narcotics to children on school sidewalks. There would be unanimous condemnation.

It was not so in Melbourne. The police officers were used as nothing more that guard dogs to threaten and intimidate those who were trying to help young girls on the

public sidewalk of the City of Melbourne. Instead of upholding federal laws, they were committing thousands of violations of the federal F.A.C.E. Act.

In this case, part of the public sidewalk was included in the buffer zone of *Madsen v. Women's Health Center, Inc.*, 114 S.Ct.2516 (1994). That this buffer zone became part of the Aware Woman F.A.C.E. facility is conceded in *Raney v. Aware Woman*, in the Respondents Brief in Opposition. It was in that part of the facility that Meredith Raney sought to lovingly and lawfully offer referral and counseling help to young women.

Despite the fact that the police could see that there was nothing threatened except Aware Woman's profits by these F.A.C.E.-protected services, the City of Melbourne persisted in intimidating this counselor. They refused him the use of the part of the abortion facility owned by the City of Melbourne where he sought to protect the lives and health of young women.

The City of Melbourne openly abused the trust of the Supreme Court in the misuse of the injunction which the Court approved in *Madsen* (*supra*).

This betrayal of trust by the City of Melbourne was seized on by the three key plotters in the related cases. Charles Wilson, Janet Reno and William J. Clinton could see how easily local police could be convinced to sell-out the most vulnerable members of the public: distraught girls desperately seeking help with crisis pregnancies.

These police hirelings were not at the Aware Woman facility to respond to the piercing screams of Jane Roe, II, but to keep her from being warned of the dangers there. These

hirelings would have done nothing to help the child killed in the "assembly line" abortion in *Adams v. Family Planning Assoc. Med. Group, Inc.*, 733 N.E. 2d 766 (Ill. App. 2000), cited by Aware Woman in *Jane Roe, II,* in their own defense.

The fact is, the willingness of the City of Melbourne to betray young women, their lives and health, became the blueprint for the national model which, when implemented, led to the death last August of the mother in Lee County, Florida. She died of mistreatment at the Azima abortion facility where guard-dog deputies barred pro-life counselors from warning and helping her.

Yes, the City of Melbourne is an example - an example of betrayal, of daggers in the backs of the distraught girls so desperate for help and loving advice. The City has been a false beacon for other local governments. A shepherd would call the City of Melbourne " a judas goat"

Some of the errors which the City of Melbourne has presented to the Court should be corrected.

FACILITY OR CLINIC ?

Madsen (*supra*) did not give Aware Woman total control over that part of the facility which included the buffer zone. Meredith Raney was entitled to be in that portion of the facility, lawfully providing services defined by 18 U.S.C. §248.

F.A.C.E. defines a "facility" to include the building or structure in which the facility is located. 18 U.S.C. §248(e)(1).

The "facility", Aware Woman Center For Choice, Inc, was more than the walled-in portion of the building or

structure, it also included the parking area and the ingress/egress sidewalk, a portion of which was owned by the City of Melbourne.

Thus, this abortion facility had two owners, the Windles, or their corporation, and the City of Melbourne.

Meredith Raney was prevented from providing his F.A.C.E.-defined referral and counseling services "in the facility". Those services were designed to be utilized by young women "in the facility" and so are protected under that Act. 18 U.S.C. §248(e)(5).

SELF-PROCLAIMED COUNSELOR

While F.A.C.E. itself provides few details about the exact nature of the referral and counseling services which it protects, it is clear that they concern reproductive health services relating to pregnancy and the termination thereof. 18 U.S.C. §248 (e)(5).

In the related case of *Raney v. Aware Woman Center For Choice*, 224 F.3d 1266 (11th Cir. 2000), Meredith Raney had supplied the district judge with the topics he had studied in the crisis pregnancy course that he had completed. Those topics included:

1. Pregnancy testing.
2. Fetal development.
3. Prenatal care.
4. Abortion procedures.
5. Birth control.
6. Community resources for pregnant women.
7. Biblical teaching on abortion.
8. Issues and decision making.

This reproductivehealth service course was completed prior to 1994. The counselor also viewed various video tapes dealing with abortion.

Such topics appropriately are related to pregnancy, and termination thereof, and show that the district judge's name-calling was not warranted by the facts with which she was familiar. Meredith Raney is and was a F.A.C.E.-protected counselor.

F.A.C.E. VIOLATIONS OR UNLAWFUL ARREST

There were no arrests by the City of Melbourne of Meredith T. Raney, Jr. in any of the estimated 4,000 F.A.C.E. violations which are the subject of this civil action. F.A.C.E. prohibits threats, intimidation and interference, 18 U.S.C. §248 (a)(1).

While there were three arrests in the related case of *Raney v. Aware Woman Center For Choice, Inc.*, Supreme Court number 00-1268, each of the arrests occurred after the F.A.C.E. violations. All three charges were dismissed. The City of Melbourne needs all the red herrings it can drag past this Court. Neither this one or any others will save it from liability.

WANTED OR UNWANTED

There are other red herrings such as the newly proposed hurdle of being "wanted". This counselor sought to be in the part of the facility where he was legally entitled to be. The girls wanted and needed his services. It was immaterial if his services were wanted by anyone else.

Blacks were not wanted in the front of southern buses nor at the lunch counter in segregated stores.

The United States Supreme Court in *Madsen v. Women's Health Center, Inc.*(*supra*) ruled that the sidewalk in the buffer zone would be kept open for *forum* activities. As cases such as *Marsh v. Alabama*, 326 U.S. 501, 66 S.Ct. 276 (1946), have established, the Grace Marshes of this world are not always welcome on the sidewalks of interstate commerce, but whether the sidewalk be owned by the public or a private party, the civil rights of these unwelcome persons will still be protected.

Janet Greenhut was an unwanted volunteer at an abortion clinic in *Greenhut v. Hand*, 996 F.Supp. 372 (D.N.J. 1998). She was threatened with death if she continued coming to that facility. She prevailed in her F.A.C.E. action against the clinic worker who threatened her. Meredith Raney, like Janet Greenhut, affiliated himself (as in adopted) with the Aware Woman Center For Choice facility even though he was not wanted on any part of it by the City of Melbourne. Like Janet Greenhut, he was protected under F.A.C.E.

EXTRAJUDICIAL INFLUENCE

The facts of this case are not complex. The law is not complicated. Meredith Raney was unlawfully prevented by the City of Melbourne's police for providing F.A.C.E.-defined services in a certain part of a F.A.C.E.-defined facility.

The problem is that Charles Wilson has an obligation to protect himself and others from F.A.C.E. charges. So long as he sits on the court of appeals for the Eleventh Circuit, any well-informed reasonable person will believe that this case and the related cases are all subject to extrajudicial influence. *Liteky v. United States*, 114 S.Ct. 1147 (1994).

CONCLUSION

Meredith T. Raney, Jr. respectfully urges the Supreme Court to honor the covenant of *Planned Parenthood v. Casey* , 112 S.Ct. 2791 (1992) at page 2815.

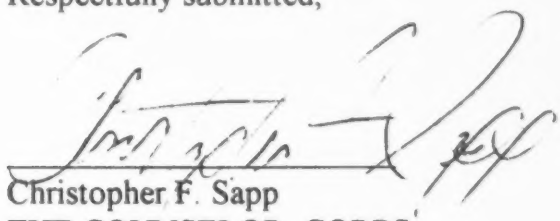
The *Casey* price has been paid, though, not by this counselor but by the innumerable young women - often just children - who are dying, dead, mutilated or injured because they were unlawfully prevented from receiving counseling help and loving kindness all over this nation.

This inhumane treatment by treacherous police forces led astray by the City of Melbourne should enkindle the wrath of this Court.

The abuse by the City of Melbourne of this Court's trust in approving the *Madsen* (*supra*) injunction should enkindle the wrath of this Court.

For the sake of the young women whose privacy, lives and health this Court has steadfastly promised to protect and so that the City of Melbourne can experience first hand the wrath of this Court, the writ should be issued.

Respectfully submitted,



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